

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JESUS E. SOTO DIAZ,
v.
WARNER LAMBERT, INC.

Case Number: 97-2123(DRD)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

Pending before the Court are Docket Nos. 63, 66, 70 and 71. The Court rules as follows:

<u>Docket No.</u>	<u>Ruling</u>	<u>Title</u>
63	DENIED	Motion to Amend Judgment Under Rule 59(e)


On October 13, 2000, defendant Warner-Lambert, Inc. filed a Motion to Amend Judgment Under Rule 59(e) requesting the Court to reconsider the part of its judgment dismissing without prejudice the Puerto Rico Law No. 44 claim. (Docket No. 63). Plaintiff filed an opposition to defendant's motion on November 16, 2000. (Docket No. 68).

The exercise by a federal court of supplemental jurisdiction after a federal claim has been dismissed is discretionary. See 28 U.S.C. sec. 1367(c); United Mine Workers of America v. Gibbs, 383 U.S. 715, 725, 86 S.Ct. 1130, 1138 (1966); Rodriguez v. Doral Mortgage Corp., 57 F.3d 1168, 1177 (1st Cir. 1995) ("As a general principle, the unfavorable disposition of a plaintiff's federal claim at the early stages of a suit, well before the commencement of trial, will trigger the dismissal without prejudice of any supplemental state-law claims."). In this case, the Court has already decided not to exercise its discretion. See Docket No. 61). In addition, defendant had ample opportunity to request the Court to adjudicate the local claims. However, defendant's only request as to the local claim at the summary judgment level was for the Court to dismiss the Law 44 claim by refusing to exercise supplemental jurisdiction. Accordingly, defendant's Motion to Amend Judgment Under Rule 59(e) is **DENIED**.

66	MOOT	Motion Requesting Extension of Time
70	GRANTED/MOOT	Motion Requesting Leave to File Reply to Plaintiff's Opposition to Motion to Amend Judgment Under Rule 59(e)
71	MOOT	Motion Requesting Extension of Time

IT IS SO ORDERED.

May 21, 2001.


DANIEL R. DOMINGUEZ
U.S. District Judge

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